

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

August 16, 2007

Chairman T. Michalski called the meeting to order at 4:03 p.m. and roll was taken.

MEMBERS PRESENT: T. Michalski, B. Larson, B. Turnquist, L. Spataro T. Harryman,
B. Mazade, B. Smith

MEMBERS ABSENT: S. Warmington, excused; J. Aslakson, excused

STAFF PRESENT: L. Anguilm, D. Leafers

OTHERS PRESENT: J. McGarry, 430 W. Clay; B. Sidock, Brighton MI; S. Johnson, 1221
W. Laketon; K. Woods, 1221 W. Laketon

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of July 12, 2007 be approved, was made by L. Spataro, supported by B. Larson and unanimously approved.

NEW BUSINESS/PUBLIC HEARINGS

B. Smith arrived at 4:05 p.m.

Hearing; Case 2007-31: Request to vacate the west 100 feet of the dead end alley in Block 690 of the City of Muskegon Revised Plat of 1903, bounded by Crozier Avenue, Fountain Street, and Harding Avenue, by Joseph Sidock, 2596 Crozier Avenue. This case was pulled off the agenda due to an error in the public notice. It will be heard at the next meeting.

Hearing Case 2007-32: Request for a Special Land Use Permit, per Section 1201 (#9) of Article XII, B-3, Central Business District, of the Zoning Ordinance, for a museum at 504 W. Clay Avenue, by John McGarry, Muskegon County Museum. L. Anguilm presented the staff report. The property is the present location of the Depression House, which is part of the Muskegon County Museum complex. This includes the museum, the old Fire Station, and the Hackley and Hume Homes. The property was formerly zoned H, Heritage District but was recently rezoned to B-3, Central Business when the H district was eliminated from the Zoning Ordinance. A museum was listed as a "Special Land Use" under the Heritage Zoning, and was also included as a "Special Land Use" in B-3 when the Heritage District was eliminated. The applicant wishes to construct a garage facing the alley. The property needs to be brought into compliance through the special land use process before this project can be approved. Properties to the northeast and southeast are zoned R-1, Single Family Residential, and properties to the southwest and northwest are zoned B-3. The site plan submitted with the application shows the intended garage. It will meet all setback requirements as indicated. Staff received an e-mail from Michael A. Johnson, of Waterstone Insurance Agency located on Western Avenue. He has no objection to the request. Staff recommends approval, with the conditions listed in the staff report.

J. McGarry stated that he had received approval from the HDC for the garage, and that it would be used for storage. The design and materials would be compatible with the house.

A motion to close the public hearing was made by L. Spataro, supported by T. Harryman and unanimously approved.

A motion that the request for Special Land Use Permit, per section 1201 (#9) of Article XII of the Zoning Ordinance, to allow a museum in a B-3 zoning district at 504 W. Clay by John McGarry, Muskegon County Museum, be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in Section 2332 of the City of Muskegon Zoning Ordinance, with the conditions that 1) all necessary permits be obtained for the construction of the garage, 2) the owner/applicant shall permit the zoning administrator or other zoning staff in the premises at reasonable times to review compliance with this permit, and 3) the Special Land Use Permit affidavit shall be recorded with the register of deeds prior to beginning construction, was made by T. Harryman, supported by B. Larson and unanimously approved.

Hearing: Case 2007-33: Request to amend the Final PUD for 100 Muskegon Mall, for the property located at 379 W. Western Avenue for construction of a mixed use retail/commercial building, by William Sidock, Sidock Properties LLC. L. Anguilm presented the staff report. The applicant received approval for the Final PUD from City Commission on February 22, 2005. At that time, uses within existing or newly developed buildings had not yet been determined, but the approval was for "mixed use, residential and commercial". The changes proposed at this time include the construction of the new Sidock Group, Inc. office building. The building has two floors consisting of 7,545 square feet on the first floor and 7,939 square feet on the second floor. Sidock Group will occupy the entire second floor, with 5,098 square feet of commercial space planned for the first floor. The remainder of the square footage will be taken up by mechanical rooms, the elevator, lobby, etc. There are 27 parking spaces located at the rear of the building. This appears to be adequate for the proposed uses in the building. The site plan submitted is very complete with just a couple notes from the Planning Department: a) the "2007 Sidock Building" that appears at the peak of the second floor on the sheet A-6, exterior elevations, is not considered a sign. It is considered to be "identifying the name of the building or date of erection of a structure" and is therefore exempt. All future signs will need permits; b) the canopy trees indicated on the "Landscape Plan" need to be 12 ft. minimum in height, as required by the zoning ordinance. The Engineering and Police Departments have no issues with site plan. DPW has the following comment: Contact DPW regarding water and sewer connection fees at 231-724-4100. The Fire Department lists the following conditions of approval: a) key box shall be installed for Fire Department access, b) post indicating valve shall be installed for fire suppression system, and c) Fire Department connection shall be accessible. Staff has received no other comments on this request and recommends approval, with conditions as listed in the staff report.

The applicant and board members reviewed the drawing of the proposed building, and the applicant answered questions.

A motion to close the public hearing was made by T. Harryman, supported by B. Larson and unanimously approved.

A motion that the minor amendment to the Final PUD for 100 Muskegon Mall, 379 W. Western Avenue be approved pursuant to the determination of compliance with the intent of the City Zoning Ordinance and City Master Land Use Plan, subject to the conditions that 1) the minimum size of the canopy trees shown on the landscape plan conforms to the requirements of the zoning ordinance,

and 2) all conditions listed by the Fire Department in #9 of the staff report be met, was made by B. Larson, supported by B. Smith and unanimously approved.

Hearing: Case 2007-34: Staff-initiated request to vacate a portion of W. Walton Avenue from Jefferson to Terrace Streets. L. Anguilm presented the staff report. This is a staff-initiated request to vacate the portion of W. Walton Avenue that lies between City Hall and the current fire station. The City may sell the Central Fire Station building in the near future, and future uses are currently being explored. With the vacation of W. Walton, additional parking may be able to be added to accommodate the future use. Staff recommends approval of the request.

B. Larson asked where the parking would be located. B. Mazade explained some of the possibilities. B. Turnquist asked why the request was being made now. B. Mazade stated that the additional parking would be another selling point for the building.

A motion to close the public hearing was made by L. Spataro, supported by T. Harryman and unanimously approved.

A motion that the vacation of W. Walton Street from Jefferson to Terrace Streets be recommended to City Commission for approval, based on compliance with the City's 1997 Master Land Use Plan, with the condition that all utility easements will be retained, was made by L. Spataro, supported by T. Harryman and unanimously approved.

OLD BUSINESS

Hearing: Case 2007-28: Request to rezone the property at 1221 W. Laketon Avenue from R-1, Single Family Residential, to RM-2, Medium Density Multiple Family Residential, by Susan Johnson, Every Woman's Place. This case was tabled from last month's meeting so that other options could be considered. After consideration and discussion with the City Attorney, a PUD for this site does not seem to meet the requirements of the Zoning Ordinance (see page 11 of this staff report that addresses the PUD purpose, particularly paragraph #2). Included in the meeting packet is an opinion from the City Attorney regarding zoning only a portion of the property, which would contain the present building and the new addition. It seems from this opinion that it is possible, although unusual, to do so. If this is the route that Planning Commission recommends that we take with this parcel, certain safeguards should be put in place, such as a survey and separate property descriptions. Staff recommends approval of the request to rezone the subject properties from R-1, Single Family Residential to RM-2, Medium Density Multiple Family Residential, because the request conforms to the goals and recommendation of the City's 1997 Master Plan.

B. Larson asked for an update on what happened at the meeting with the Nims Neighborhood residents. L. Spataro stated that there were some concerns expressed, but no overt opposition. All who attended were urged to contact Planning Department staff with their concerns. L. Anguilm stated that no one contacted her.

A motion that the request to rezone the property located at 1221 W. Laketon Avenue from R-1, Single Family Residential district to RM-2, Medium Density Multiple Family Residential district as described in the public notice, be recommended for approval to the City Commission pursuant to the City of Muskegon Zoning Ordinance and the determination of compliance with the intent of the City Master Land Use and zoning district intent, was made by B. Larson, supported by L. Spataro and unanimously approved.

OTHER

Master Plan update – L. Anguilm stated that the firm of Williams and Works would be recommended to the City Commission to update the City's Master Plan.

Hot Rod Harley – L. Anguilm stated that they would probably be making some changes to the site plan and PUD, as some plans for the site had changed.

Chamber Building – L. Anguilm stated that the Chamber wanted to add a third floor to their building, for office space. B. Mazade stated that as long as the building was still in the same footprint and met the zoning and parking requirements, they would not need to come back before the Planning Commission.

T. Harryman voiced some concerns with the landscaping in the area of Third and Western Ave.

There being no further business, the meeting was adjourned at 4:45 p.m.

dml

8/16/07